United Nations A/56/1021–S/2002/893

General Assembly
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7 August 2002

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General Assembly
Fifty-sixth session
Agenda items 42 and 166

Security Council
Fifty-seventh year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 6 August 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I am writing to draw your attention to the latest spate of attacks perpetrated in the ongoing campaign of Palestinian terrorism directed against the citizens of Israel.

On Sunday, 4 August, at 8.45 a.m. (local time), 9 people were killed, including 2 Philippine nationals, and some 40 wounded, when a suicide bomber detonated his explosives on a commuter bus near Safed in northern Israel. The blast blew off the roof of the bus, which then burst into flames, and hurled body parts through the air in what witnesses described as a horrific scene. Among the injured, many are suffering from severe burns as a result of the explosions. The terrorist organization Hamas claimed responsibility for this gruesome attack.

Later that same day, 2 people were killed and 17 wounded when a Palestinian gunman opened fire near the Damascus Gate of the Old City of Jerusalem. The Al Aqsa Martyrs Brigades, part of Chairman Arafat's own Fatah organization, claimed responsibility for the attack. Also on Sunday, Palestinian gunmen associated with Fatah claimed responsibility for the fatal roadside shooting of Avi Wolanksi and his pregnant wife, Avital, as they drove near the community of Eli. One of their children, aged 3, was injured in the attack. In two other incidents, six Israeli soldiers and a civilian were injured, several seriously, by roadside bomb attacks.

Just yesterday, a serious suicide attack was averted when a Palestinian suicide bomber detonated his explosives prematurely near the town of Umm Al Fahm in northern Israel. A driver who had stopped to give the bomber a ride was seriously wounded in the explosion. Today, further terrorist attacks were thwarted when Israeli security forces discovered two explosive devices at the southern entrance to Jerusalem and arrested a 17-year-old Palestinian who was en route to perpetrate a suicide attack in the capital.

Israel holds the Palestinian Authority and its Chairman responsible for this latest series of grave incidents. Such attacks are possible only through the financial

02-51265 (E) 080802

Israel holds the Palestinian Authority and its Chairman responsible for this latest series of grave incidents. Such attacks are possible only through the financial and logistical support that the Palestinian leadership has supplied to terrorist groups and are the product of years of incitement to violence and terrorism in the official media, the demonization of Jews and Israelis in the Palestinian educational system, and the glorification of suicide bombers that pervades Palestinian society.

This wave of criminal attacks confirms the continuing need for Israeli defensive measures in the face of unrelenting threats of Palestinian terrorism. So long as the Palestinian Authority refuses to fulfil its responsibility to fight terrorism in accordance with its signed obligations, international law and the resolutions of the Security Council, Israel will have to take the measures necessary to ensure the safety and security of its citizens. Although it is impossible to thwart every attempted action, countless terror attacks have been prevented in recent weeks by the ongoing efforts of Israeli forces.

Israel calls upon the Palestinian Authority to take the steps necessary to bring about a cessation of all acts of terrorism and the resumption of a political process. We also call on the international community to be vigilant and consistent in its condemnation of terrorist attacks and to make it abundantly clear to the current Palestinian leadership that such attacks are intolerable and criminal and that progress towards peace will be impossible if genuine efforts are not made, once and for all, to end the wanton murder of innocent Israelis.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 42, as well as under item 166, and of the Security Council.

(*Signed*) Aaron **Jacob**
Ambassador
Chargé d'affaires a.i.

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General Assembly
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The situation in the Middle East

Measures to eliminate international terrorism

Security Council
Fifty-seventh year

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* Reissued for technical reasons.

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I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 42, as well as under item 166, and of the Security Council.

(*Signed*) Aaron **Jacob**
Ambassador
Chargé d'affaires a.i.

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General Assembly

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Fifty-sixth session
Agenda item 110
Crime prevention and criminal justice

Letter dated 1 August 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lithuania to the United Nations addressed to the Secretary-General

I have the honour to recall the Ministerial Seminar on the United Nations Convention against Transnational Organized Crime and its Protocols, organized by the United Nations Centre for International Crime Prevention in Vilnius on 4 and 5 June 2002.

In this regard, I have the honour to submit herewith the text of Vilnius Declaration on the Ratification of the United Nations Convention against Transnational Organized Crime and its Protocols (see annex). I would be grateful if the text of the present letter and its annex were to be distributed as a document of the fifty-sixth session of the General Assembly, under agenda item 110, entitled, Crime prevention and criminal justice.

(*Signed*) Andrius **Namavičius**
Chargé d'affaires a.i.
Permanent Mission of the Republic of Lithuania
to the United Nations

02-51316 (E) 130802

Annex to the letter dated 1 August 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lithuania to the United Nations addressed to the Secretary-General

Vilnius Declaration on the ratification of the United Nations Convention against Transnational Organized Crime and its Protocols

5 June 2002

We, the representatives of Central and Eastern European countries, namely Albania, Armenia, Belarus, Bulgaria, Croatia, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, The former Yugoslav Republic of Macedonia, and Ukraine, participating in the Ministerial Seminar on the United Nations Convention against Transnational Organized Crime and its Protocols,

Deeply concerned about the impact of transnational organized crime on the political, social and economic prosperity, stability and security of our countries,

Noting that the global nature of transnational organized crime demands a global response,

Convinced of the urgent need to work together to combat organized crime, in all its forms and manifestations, and also terrorism,

Recalling United Nations General Assembly resolutions 55/25 of 15 November 2000 and 55/255 of 31 May 2001, which adopted the United Nations Convention against Transnational Organized Crime and the three protocols thereto, which constitute effective tools for international cooperation in combating transnational organized crime,

1. *Express appreciation* to the Government of Lithuania for hosting the Ministerial Seminar in Vilnius, organized by the United Nations Centre for International Crime Prevention (CICP);

2. *Also express appreciation* to the Government of the United Kingdom of Great Britain and Northern Ireland for its generous voluntary contribution, which made the seminar possible;

3. *Commend* those countries of the Central and Eastern European region that have signed and the United Nations Convention against Transnational Organized Crime and its Protocols;

4. *Recommend* that those countries that have not yet signed the Protocols consider doing so as soon as possible;

5. *Express our satisfaction* that several countries that have signed the Convention and its Protocols are at an advanced stage in the process of ratification of these instruments;

6. *Commend* those countries of the region that have ratified the Convention and its Protocols, as appropriate, and *urge* those countries that have not done so to undertake all necessary efforts and complete all requirements, in accordance with

domestic law, in order to ensure the submission to national parliaments of the necessary legislative proposals for their ratification;

7. *Reaffirm* the commitment to enhance multilateral cooperation and to take further initiatives in this direction, in coordination with CICP;

8. *Recognize* the importance of reviewing and improving national legislation against transnational organized crime, in accordance with the Convention and its Protocols, as appropriate;

9. *Endeavour* to review progress in the ratification and early implementation of these instruments in six months and to provide relevant information to the Centre for International Crime Prevention;

10. *Call upon* donor countries and relevant international and regional organizations to enhance financial and material assistance to support the efforts of countries of the region in ratifying and implementing the Convention and its Protocols, through regular voluntary contributions to the special account established under the United Nations Crime Prevention and Criminal Justice Fund, in accordance with article 30 of the Convention;

11. *Urge* countries of the region to continue participating actively in the negotiations of the new United Nations Convention against Corruption, and invite donor countries to support such participation;

12. *Invite* the Chairman of the Seminar to bring the present Declaration to the attention of the Commission on Crime Prevention and Criminal Justice at its twelfth session.

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Fifty-sixth session
Agenda item 10
Report of the Secretary-General on the work of the Organization

Security Council
Fifty-seventh year

Letter dated 12 August 2002 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

Under instructions from my Government, I have the honour to transmit herewith a letter dated 11 August 2002 from Inam ul Haque, Minister of State for Foreign Affairs of the Islamic Republic of Pakistan, addressed to Your Excellency regarding the so-called State Assembly elections being organized by the Government of India in four phases in Indian Occupied Jammu and Kashmir from 16 September 2002 (see annex).

I would be grateful if the text of the present letter could be circulated as an official document of the General Assembly, under agenda item 10, and of the Security Council.

(*Signed*) Munir **Akram**
Permanent Representative

02-52164 (E) 140802

Annex to the letter dated 12 August 2002 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General

Islamabad, 11 August 2002

The Government of India has announced a schedule for the conduct of a four-phase election from 16 September 2002 for the so-called State Assembly in Indian Occupied Jammu and Kashmir. This electoral exercise is another attempt by the Indian Government to give an appearance of legitimacy to its illegal and forcible occupation of Jammu and Kashmir. The Indian Government has repeatedly, since 1951, tried this ploy in a vain attempt to acquire some legitimacy for its occupation of Kashmir.

2. The position of the Government of Pakistan on this issue stems from the relevant Security Council resolutions that promised the Kashmiri people their right to determine their own future through a United Nations-supervised plebiscite. The Security Council has, through its resolutions, clearly pronounced itself on such "electoral" exercises. Security Council resolution 91 (1951) of 30 March 1951 stipulated as follows:

> "*Reminding* the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April 1948, 51 (1948) of 3 June 1948 and 80 (1950) of 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948, and 5 January 1949, that *the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations*,
>
> "*Affirming* that the convening of a constituent assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that assembly might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle" [emphasis added].

3. Security Council resolution 122 (1957) of 24 January 1957 had the following to say:

> ["*The Security Council* ...]
>
> "*Reaffirms* the affirmation in its resolution 91 (1951) and declares that the convening of a constituent assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference' and any action that assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the assembly, would not constitute a disposition of the State in accordance with the above principle."

4. The last State Assembly elections held in Indian occupied Kashmir in 1996 took place against a backdrop of years of brutalization of the Kashmiri people by the Indian occupation forces. Tens of thousands of security personnel were deployed to round up Kashmiri civilians and to force them to go to the polling booths. Despite this unprecedented coercion, voter participation remained abysmally low. For the forthcoming elections, thousands of troops, in addition to the 700,000 Indian army and security forces already present in Indian Occupied Kashmir, are being inducted into the Occupied Territory for the same purpose.

5. If the past is any guide, the planned elections will be devoid of popular participation and will be rigged to obtain predetermined results. While the Indian Government may be in a position to impose illegal and fraudulent elections on the unwilling Kashmiri people in the intimidating presence and pressure of hundreds of thousands of battle-ready troops, the exercise certainly would not carry any semblance of legitimacy.

6. The sole credible voice of the Kashmiri people, the All Parties Hurriyet Conference (APHC) has already rejected the Indian attempt to foist an illegal election on the Kashmiris. In its typical repressive response to the unambiguous position adopted by the APHC, the Indian Government has arrested three leaders, namely Abdul Aziz Sheikh, Yasin Malik and Syed Ali Shah Gilani, out of the seven-member Executive Council of APHC. This is in addition to the arrest of more than 25 other leaders belonging to the APHC as well as hundreds of political activists.

7. There is no let-up in the reign of terror let loose by the 700,000 Indian troops in the State. In fact under the garb of countering terrorism, there has been an upsurge in the Indian oppression and atrocities in Indian Occupied Jammu and Kashmir, where an atmosphere of intimidation, coercion and fear continues to remain all-pervasive.

8. India is also engaged in a well-thought-out plan to muddle the issue by claiming that peaceful elections in Indian Occupied Kashmir would be a litmus test of Pakistan's sincerity for a dialogue with India. This stance is unreasonable and self-serving. Pakistan cannot be asked to accept any responsibility for developments inside Indian Occupied Kashmir. Nor can the onus of the failure of elections be laid at the door of Pakistan by India. The Kashmiri struggle is an indigenous uprising and Pakistan cannot be held responsible for the rejection by the Kashmiri people of such sham elections in the Occupied Territory. Furthermore, the APHC is the representative of the Kashmiri people. It is not for Pakistan to tell the APHC whether to participate or not to participate in the elections. The APHC makes its own decisions.

9. The fraudulent and illegitimate electoral exercise in Indian Occupied Kashmir will not promote a peaceful and just settlement of the Kashmir dispute. It will only prolong the agony of the people of Jammu and Kashmir. It is our view that instead of organizing another electoral farce in Indian Occupied Kashmir, India should enter into a serious and results-oriented dialogue with Pakistan, with the participation of the APHC leadership, to find a fair, durable and honourable solution to the Kashmir dispute in accordance with the principles of justice and international legality as well as the wishes of the Kashmiri people. I would request Your Excellency to use your good offices to achieve this objective as mandated by the Security Council and United Nations Commission for India and Pakistan resolutions.

(*Signed*) Inam ul **Haque**
Minister of State for Foreign Affairs

United Nations A/56/1024

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Agenda items 8 and 21 (j)

Adoption of the agenda and organization of work

Cooperation between the United Nations and regional and other organizations

Cooperation between the United Nations and the Organization of African Unity

Note by the Secretary-General*

1. On 11 October 1965, during its twentieth session, the General Assembly adopted resolution 2011 (XX), by which it invited the Administrative Secretary-General of the Organization of African Unity (OAU) to attend sessions of the General Assembly as an observer. The Assembly further invited the Secretary-General of the United Nations to explore, in consultation with the appropriate bodies of OAU, the means of promoting cooperation between the two organizations and to report to the General Assembly as appropriate.

2. On 15 November 1965, the Secretary-General of the United Nations and the Administrative Secretary-General of OAU signed a further agreement on cooperation between OAU and the United Nations Economic Commission for Africa, which came into force upon signature in accordance with article VII (1) of the agreement.

3. On 9 October 1990, the Secretary-General of the United Nations and the Secretary-General of OAU signed a further agreement on cooperation between the United Nations and OAU. Article III, paragraph 1, of that agreement provides that, "subject to such decisions as may be taken by its competent bodies concerning the attendance of its meetings by observers, the United Nations shall, subject to the rules of procedure of the bodies concerned, invite the OAU to send representatives to United Nations meetings and conferences where observers are allowed, whenever matters of interest to the OAU are discussed". Pursuant to paragraph 2 of that

* In order for the General Assembly to consider the present note, it will be necessary for the Assembly to reopen consideration of agenda item 21 (j).

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article, the United Nations enjoys similar rights at meetings convened by OAU. In accordance with article X, paragraph 1, of the agreement, it entered into force on the date of its signature.

4. By its resolution 46/20 of 26 November 1991, the General Assembly recalled the agreement of 15 November 1965 on cooperation between the United Nations and OAU, as updated by the agreement signed on 9 October 1990 by the Secretaries-General of the two organizations, and took note of the report of the Secretary-General on cooperation between the United Nations and OAU, which contained information about the conclusion and implementation of the aforementioned agreements.

5. By a letter, dated 7 August 2002, Amara Essy, the Interim Chairperson of the Commission of the African Union, informed the Secretary-General of the following:

> "I have the honour to inform you that, as of 8 July 2002, the Organization of African Unity (OAU) has ceased to exist and that, in its place, the African Union has come into force, since 9 July 2002, by decision of the Assembly of the Union, which met in its first ordinary session in Durban, South Africa, in July 2002.
>
> "The African Union indeed inherits the assets and liabilities of the OAU. By decision ASS/AU/Dec.1 (1), the Assembly of the African Union has provided for an interim period with effect from 9 July 2002 for a duration of one (1) year during which four main organs will be operational, namely:
>
> - The Assembly of the African Union
> - The Executive Council
> - The Committee of Permanent Representatives
> - The Commission
>
> "Indeed, the former Assembly of Heads of State and Government is replaced by the Assembly of the African Union; the Council of Ministers becomes the Executive Council of the Union; the Committee of African Ambassadors accredited to Ethiopia forms the Committee of Permanent Representatives; the OAU General Secretariat becomes the Commission of the African Union.
>
> "The Secretary General of the Organization of African Unity shall now be referred to as the Interim Chairperson of the Commission of the Union. The Assistants Secretaries General shall be referred to as Interim Commissioners.
>
> "The Commission shall continue to use the OAU logo, flag, anthems and other symbols until such time as the process of their gradual review for adaptation or replacement is finalized in conformity with Decision AHG/Dec.160 (XXXVII) the copy of which is hereby attached.
>
> "I would like to request you to inform the General Assembly of these changes as well as of the necessity to review, in the light of the new development, the cooperation Agreement between the United Nations and Organization of African Unity."

6. The changes referred to in the letter of Amara Essy imply that the African Union would assume the rights and responsibilities of the Organization of African

Unity as an observer invited in accordance with General Assembly resolution 2011 (XX) and the respective provisions of the cooperation agreement to participate in meetings and conferences of the United Nations.

7. The present note is submitted to the General Assembly for its consideration.

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Security Council
Fifty-seventh year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 13 August 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest deadly act of Palestinian terrorism directed against Israel.

On Saturday evening, at approximately 10.30 p.m. (local time), a Palestinian terrorist infiltrated the community of Mechora and shot to death Yafit Herenstein, age 31, at her home. Yafit's husband, Arno, who was alerted to the infiltration and rushed to the family's home, sustained serious gunshot wounds. The couple has two young daughters, ages 2 and 14 months, both whom were asleep in the house at the time of the attack and were unhurt. The Al Aqsa Brigades, the terrorist wing of Chairman Arafat's own Fatah faction, claimed responsibility.

Israel holds the Palestinian Authority and its Chairman responsible for this latest attack. While cynically paying lip service to the global campaign against terrorism, the Palestinian leadership continues to refuse to take even the most basic steps to bring an end to terrorism. In clear violation of its signed commitments, as well as resolutions of the Security Council, the Palestinian Authority has failed to confiscate illegal weapons, cease the relentless incitement to violence in the official Palestinian media and end the celebration and glorification of acts of mass murder.

Rather than Palestinian leadership has continued its policy of both active and tacit support for terrorism by providing moral and logistical support to terrorist organizations and by assuring free passage and safe harbour to known terrorist operatives. Moreover, while purporting to condemn acts of terrorism, it continues to justify certain attacks as acts of "legitimate resistance". On numerous occasions, most recently in the course of the resumed tenth emergency special session of the General Assembly on 5 August 2002, the Palestinian Observer explicitly argued that some Palestinian attacks are legitimate under international law. The Palestinian Observer apparently believes that the premeditated murder of innocent civilians, including women and children, is acceptable so long as it is committed in the West

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Bank or Gaza. He would be well served to bear in mind the words of the Secretary-General before the General Assembly on 1 October 2001: "There can be no acceptance of those who would seek to justify the deliberate taking of innocent civilian life, regardless of cause or grievance" (see A/56/PV.12, p. 3).

In the light of the Palestinian position, Israel is left with no choice but to continue to take the measures necessary to protect its citizens from the constant threat of terrorist activity. Such measures, while unable to prevent every attempted action, have successfully thwarted dozens of attacks and have kept the civilian death toll from rising far higher.

Israel calls upon the international community to unequivocally condemn Palestinian attacks against Israeli civilians as well as the ongoing support for these attacks provided by the Palestinian leadership. Israel further calls upon the Palestinian leadership to take action, in accordance with its legal and moral obligations, to prevent its territory from serving as a base for attacks on civilian targets. Progress towards peace and the fulfilment of the needs and aspirations of both sides will only be possible once genuine efforts are made to bring an end to the illegal and unjustifiable murder of innocent Israeli civilians.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda items 42 and 166, and of the Security Council.

(*Signed*) Aaron **Jacob**
Ambassador
Chargé d'affaires a.i.